

BILL NO. 2007-59

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE RECORDATION OF NOTICES OF ZONING ACTION ADVISING PROPERTY OWNERS AND OTHERS OF THE EXISTENCE OF ZONING CONDITIONS, REQUIREMENTS AND LIMITATIONS; ADD A MECHANISM FOR THE REVIEW OF CONDITIONS THAT HAVE BEEN IMPOSED IN CONNECTION WITH ZONING APPROVALS; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steve Wolfson

Summary: Authorizes the recordation of notices of zoning action advising property owners and others of the existence of zoning conditions, requirements and limitations, and adds a mechanism for the review of conditions that have been imposed in connection with zoning approvals.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 19, Chapter 18, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new subsection, designated as Subsection (H), reading as follows:

(H) Recordation of Zoning Actions. In connection with the approval of any application under this Chapter that includes zoning conditions, requirements or limitations, the Department is authorized to record with the County Recorder's Office a notice advising that:

- (1) Zoning action regarding the property has been taken;
- (2) Such action is subject to conditions, requirements or limitations; and
- (3) Inquiry should be made to the City to obtain further information regarding the nature and extent of those conditions, requirements or limitations.

SECTION 2: Title 19, Chapter 18, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140, reading as follows:

19.18.140: Review of Conditions

(A) Purpose and Intent.

The purpose of a Review of Condition is to provide a mechanism for reviewing proposed modifications to conditions of approval imposed by the City Council or Planning Commission. The

provisions of this Section are intended to govern whenever there is a proposal to amend, modify or review a condition of approval of an application under this Chapter, notwithstanding the fact that other provisions of this Chapter regarding amendments and modifications to approved applications or plans might otherwise apply. The provisions of this Section are not intended to limit the authority of the Planning Commission or City Council.

(B) Application.

The applicant for a Review of Condition shall schedule and hold a pre-application conference with the Department prior to the submittal of an application. An application for Review of Condition shall be filed with the Department on a form to be provided by the Department. The application shall be signed and acknowledged by the owner of record of the property for which the Review of Condition is sought, and shall be notarized as to the owner's signature.

(C) Hearing.

An application for Review of Condition shall be heard by the Planning Commission or City Council, depending on which body took final action to impose the condition or conditions being reviewed. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by:

- (1) Publishing the notice in a newspaper of general circulation within the City; and
- (2) Mailing a copy of the notice to;
 - (a) The applicant;
 - (b) Each owner of real property located within a minimum of one thousand feet of the property described in the application;
 - (c) The president or head of any registered local neighborhood organization whose organization boundaries are located within the minimum of one mile of the property described in the application; and
 - (d) The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent that this notice does not duplicate the notice otherwise required by this Paragraph (2).

(D) Decision. The Planning Commission or City Council, as the case may be, may approve,

1 approve with conditions or deny an application for Review of Condition. The decision is final, subject
2 to any right of appeal available under State law.

3 (E) Notice of Decision. Written notice of the decision by the Planning Commission or City
4 Council, as the case may be, including the reasons therefor, shall be provided to the applicant or agent.
5 A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed
6 to be the date notice of the decision is filed with the City Clerk.

7 SECTION 3: For purposes of Section 2.100(3) of the City Charter, LVMC 19.18.010
8 is deemed to be a subchapter rather than a section.

9 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
10 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
11 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
12 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
13 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
14 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
15 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
16 invalid or ineffective.

17 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, in conflict herewith are hereby repealed.

20 PASSED, ADOPTED and APPROVED this ____ day of _____, 2007.

21 APPROVED:

22
23 By _____
OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 _____
26 BEVERLY K. BRIDGES, CMC
City Clerk

27 APPROVED AS TO FORM:

28 Val Steep 9-20-07
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, CMC
City Clerk

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